

Remarks:

1. Objections and Rejections

Claim 12 stands rejected under 35 U.S.C. § 112, ¶1, as allegedly including subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor, at the time the application was filed, had possession of the claimed invention. The drawings stand objected to under 37 C.F.R. 1.83(a), as allegedly failing to show a roll forming apparatus which forms U-section and C-section channel profiles simultaneously on the same sheet as described in the specification. Claim 12 also stands rejected under 35 U.S.C. § 102(b), as allegedly anticipated by British Patent No. 2,061,788 to Lyon. Moreover, claims 13-15 stand rejected under 35 U.S.C. 103(a), as allegedly rendered obvious by U.S. Patent No. 5,359,871 to Morello.

2. 35 U.S.C. § 112, ¶1

Claim 12 stands rejected as allegedly including subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor, at the time the application was filed, had possession of the claimed invention. Specifically, the Office Action alleges that the above-captioned patent application fails to provide the details of the roller construction and the operability of the rollers to effect the simultaneous forming of the U-section and the C-section. Applicant respectfully disagrees.

Applicant's specification describes a first set of rollers 42 and a second set of rollers 45. The first set of rollers 42 first form a 45 degree angle bend and then form a 90 degree angle bend in the channel sides to produce a U-section profile. The second set of rollers 45 may convert the U-section profile into a C-section profile. Specifically, the second set of rollers 45 first may form a lip at 45 degree angle relative to the side channels, and then may continue to bend the lip to a 90 degree angle relative to the side channels to form the C-section profile. See, e.g., Appl'n, Page 7, Lines 1-10. Roll formers are well known in the art, and in view of the foregoing description of Applicant's invention, Applicant maintains that those of ordinary skill in the art readily may use well known construction techniques to manufacture rollers to produce the U-section profile and the C-section profile. Therefore, Applicant respectfully requests that the Examiner withdraw the enablement rejection of claim 12.

3. 37 C.F.R. § 1.83(a)

The drawings stand objected to as allegedly failing to show a roll forming apparatus which forms U-section and C-section channel profiles simultaneously on the same sheet as described in the specification. As set forth above with respect to the enablement rejections, in view of the foregoing description of Applicant's invention, Applicant maintains that those of ordinary skill in the art readily may use well known construction techniques to manufacture rollers to produce the U-section profile and the C-section profile. Moreover, Applicant's claimed invention is directed towards a method of construction and is not directed towards the roll forming apparatus. Nevertheless, solely to better clarify the claimed invention, Applicant has amending original **Fig. 5** to depict the progressive change in profile of the steel sheet as it moves through the roll forming apparatus. Therefore, Applicant respectfully requests that the Examiner withdraw the objection to the drawings.

4. 35 U.S.C. § 102(b)

Claim 12 stands rejected as allegedly anticipated by Lyon. "A claim is anticipated if and only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP 2131. The Office Action alleges that Lyon describes each and every element as set forth in claim 12. Applicant respectfully traverses.

Specifically, Applicant has amended original claim 12 to describe a method of constructing a plurality of metal frame members comprising the step of "forming at least one first frame member having a U-section channel profile and at least one second frame member having a C-section channel profile, wherein the at least one first frame member and the at least one second frame member are formed on the same sheet of metal strip." (Emphasis added.)

In contrast, Lyon describes roll-forming a metal sheet into a single predetermined profile which has a substantially U-shaped cross-section and the free ends of the limbs are turned inward to define flanges 39 and 40. See, e.g., Lyon, Page 2, Lines 44-53. The Office Action alleges that the flanges 39 and 40 correspond to Applicant's claimed C-section profile, and sides 37, 38, and 41 correspond to Applicant's claimed U-section profile. However, Applicant has amended claim 12 to clarify that frame members having different shaped profiles may be formed on the same sheet of metal strip. In contrast, all of Lyon's frame members have the same profile, i.e., a substantially U-shaped profile with the free ends turned inward. As such, Lyons does not

disclose a method of constructing a plurality of metal frame members comprising the step of “forming at least one first frame member having a U-section channel profile and at least one second frame member having a C-section channel profile, wherein the at least one first frame member and the at least one second frame member are formed on the same sheet of metal strip,” as set forth in amended claim 12. Therefore, Applicant respectfully requests that the Examiner withdraw the anticipation rejection of claim 12.

5. 35 U.S.C. § 103(a)

Claims 13-15 stand rejected as allegedly rendered obvious by Morello. In order for the Office Action to establish a prima facie case of obviousness, at least three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to those of ordinary skill in the art, to modify the primary reference as proposed by the Office Action. Second, there must be a reasonable expectation of success. Third, the prior art references must disclose or suggest all the claim limitations. MPEP 2143. For the reasons set forth below, Applicant maintains that the Office Action fails to establish a prima facie case of obviousness.

Applicant has amended original claim 13 to describe a method comprising the step of “forming at least one first frame members into a U-shaped profile and at least one second frame member into a C-shaped profile by using the processed data from the computing means to control a roll forming apparatus which is adapted to form the at least one first frame member and the at least one second frame member from a sheet metal strip.” In contrast, Morello does not disclose or suggest at least one first frame member having a U-shaped profile and at least one second frame member having a C-shaped profile, as set forth in amended claim 13. Therefore, Applicant respectfully requests that the Examiner withdraw the obviousness rejection of claim 13.

Claims 14 and 15 depend from amended claim 13. “If an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.” MPEP 2143.03 (citations omitted). Therefore, Applicant respectfully requests that the Examiner withdraw the obviousness rejection of claims 14 and 15.

CONCLUSION

Applicant respectfully submits that this application is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that a further interview with Applicant's representatives, either in person or by telephone, would expedite prosecution of this application, we would welcome such an opportunity.

Respectfully submitted,

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PAR/TJC

Enclosures

APPENDIX

1. Unannotated copy of replacement sheet for **Fig. 5**
2. Marked-up copy of replacement sheet for **Fig. 5**

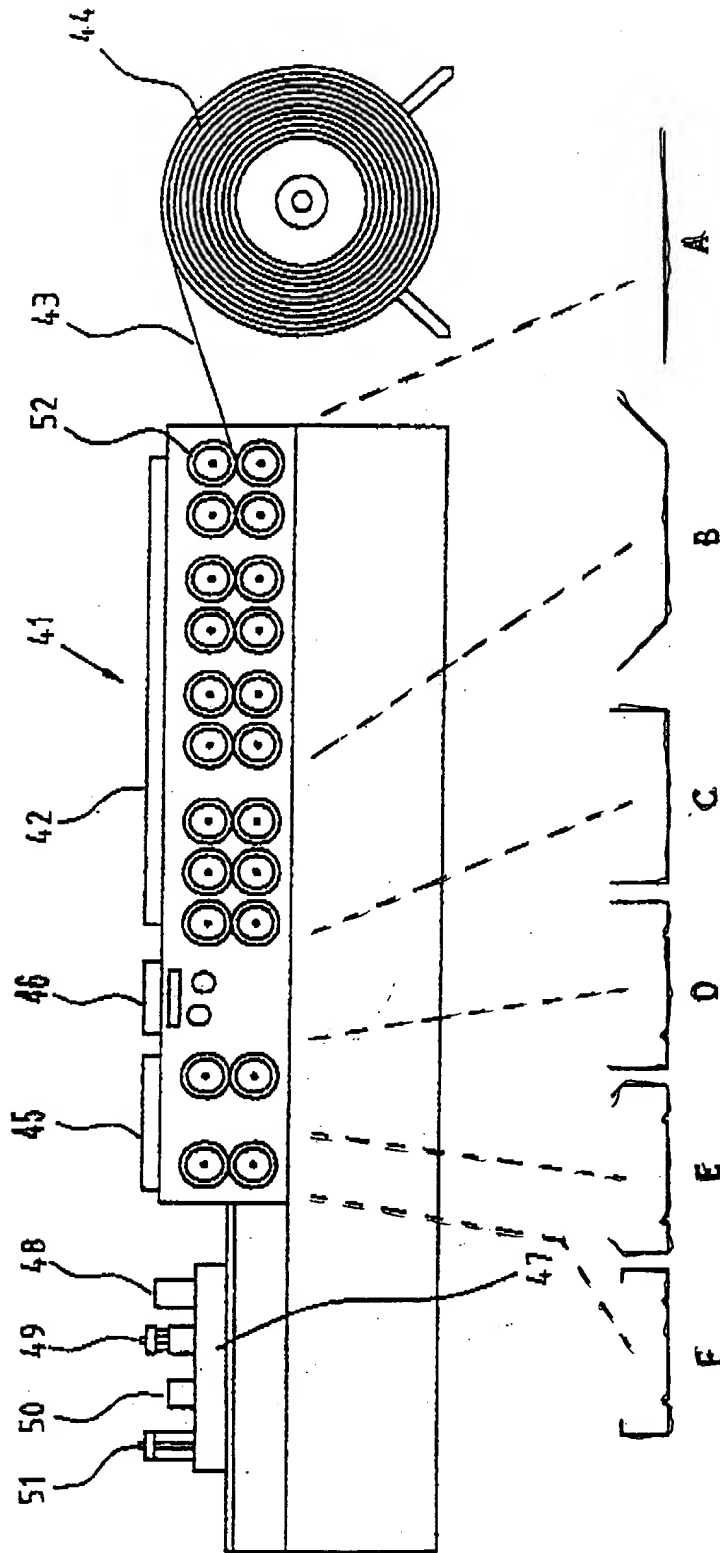


FIG. 5